THE HON'BLE SRI BILAL NAZKI, THE ACTING CHIEF JUSTICE

and

THE HON'BLE MR JUSTICE R. SUBHASH REDDY

WRIT PETITION NO : 9253 of 2005

Between:

J.V. Jasantha, W/o. Late Mr. Vincent Paul,
R/O. 6-3-1243/168, MS Maktha, Hyderabad.

..... PETITIONER

AND

1. Hon'ble Consumer Disputes Redressal Forum-I, Hyderabad, Rep. by its President, 9th Floor, Chandra Vihar, Hyderabad. & Others. … RESPONDENTS

THE HON'BLE SRI BILAL NAZKI, THE ACTING CHIEF JUSTICE

and

THE HON'BLE MR JUSTICE R. SUBHASH REDDY

WRIT PETITION NO : 9253 of 2005

ORAL ORDER: (per the Hon'ble Sri Bilal Nazki, ACJ)

Heard the learned counsel for the parties.

This writ petition is preferred against the order passed by the District Consumer Forum, Hyderabad. An appeal is provided against the said order under Section 15 of the Consumer Protection Act, 1986 (for short 'the Act').

Learned counsel for the petitioner submits that the District Forum does not have jurisdiction to implead a party. He relies on the judgment of a Division Bench of this Court in EUREKA ESTATES (P) LTD., vs. A.P. STATE CONSUMER DISPUTES REDRESSAL COMMISSION & OTHERS().

The question that was being dealt with by the Division Bench of this Court in the judgment was whether the State Commission had power of reviewing the order. It is settled law that power of review cannot be exercised unless it is specifically provided for in the law. Therefore, the High Court interfered in the matter in the said judgment. However, in the present case, the question is whether impleadment could be made or not. Impleading a party is an ancillary power and it cannot be equated with the power of review. As such, this judgment does not apply to the case on hand. Even otherwise, this judgment does not lay down that even if there is a jurisdictional error, the High Court is bound to interfere under Article 226 of the Constitution of India. Article 226 is an extraordinary discretionary jurisdiction and this Court may exercise or may refuse to exercise this jurisdiction on valid grounds.

We accordingly refuse to exercise this jurisdiction as the petitioner has an

efficacious remedy available to him under Section 15 of the Act.

The writ petition is accordingly dismissed. No costs.

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BILAL NAZKI, ACJ

DATE: 14th September, 2005

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R. SUBHASH REDDY,J

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